

**UNITED STATES BANKRUPTCY COURT**  
**Middle District of Tennessee**

In re: )  
KEVIN JAMES CLIFTON and ) Bankruptcy Case No. 309-07371  
JULIETTE CROSBY CLIFTON, ) Chapter 7  
Debtor(s), ) Judge George C. Paine, II  
ESTATE OF ARGIE BURSTEIN, )  
Plaintiff(s), ) Adversary Proceeding No. 309-396A  
JULIETTE CROSBY CLIFTON and )  
KEVIN JAMES CLIFTON, JR., )  
Defendant(s). )

**SUMMONS AND NOTICE OF PRETRIAL CONFERENCE  
IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court on or before **November 9, 2009**, except, if applicable, that the United States and its offices and agencies shall submit a motion or answer to the complaint on or before **November 11, 2009**.

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF TENNESSEE  
701 BROADWAY STE 200**

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney: REBECCA HOWALD, ESQ.  
MANIER & HEROD, P.C.  
150 FOURTH AVENUE N., SUITE 2200  
NASHVILLE, TN 37219

If you make a motion, your time to answer is governed by Bankruptcy Rule 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place:

Date: **NOVEMBER 16, 2009** TIME: **2:00 PM.**

Location: **COURTROOM 1, 701 BROADWAY, CUSTOMS HOUSE  
NASHVILLE, TN 37203**

**IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT  
TO ENTRY OF A JUDGEMENT BY THE BANKRUPTCY COURT AND JUDGEMENT BY DEFAULT MAY BE  
TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

Date October 8, 2009

MATTHEW T. LOUGHNEY, CLERK

By: Mary S. Dolce  
Deputy Clerk



## **CERTIFICATE OF SERVICE**

I, \_\_\_\_\_, certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made. I further certify that the service of this summons and a copy of the complaint was made \_\_\_\_\_ by:  
(date)

Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:

[ ] Personal service: by leaving the process with defendant or with an officer or agent of defendant at:

[ ] Residence Service: By leaving the process with the following adult at:

[ ] Publication: The defendant was served as follows: [Describe briefly]

[ ] State Law: The defendant was served pursuant to the laws of the State of \_\_\_\_\_, as follows: [Describe briefly] \_\_\_\_\_ (name of state)

Under penalty of perjury, I declare that the foregoing is true and correct.

|                   |       |          |
|-------------------|-------|----------|
| Print Name:       |       |          |
| Business Address: |       |          |
| City              | State | Zip Code |

**UNITED STATES BANKRUPTCY COURT**  
Middle District of Tennessee

In re: )  
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KEVIN JAMES CLIFTON and ) Bankruptcy Case No. 309-07371  
JULIETTE CROSBY CLIFTON, ) Chapter 7  
 ) Judge George C. Paine, II  
 Debtor(s), )  
 )  
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ESTATE OF ARGIE BURSTEIN, )  
 )  
 )  
 Plaintiff(s), )  
 )  
 )  
 v. ) Adversary Proceeding No. 309-0396A  
 )  
 JULIETTE CROSBY CLIFTON and )  
 KEVIN JAMES CLIFTON, JR., )  
 )  
 )  
 )  
 Defendant(s). )

**PRELIMINARY PRETRIAL ORDER**

The party responsible for serving the summons shall, along with the summons, serve a copy of this Preliminary Pretrial Order on all parties.

**COUNSEL FOR ALL PARTIES ARE ORDERED** to confer with all opposing counsel and pro se parties at least seven (7) days before the pretrial conference, and together prepare in writing and file **no less than five (5) days prior to the pretrial conference**, a **JOINT DOCUMENT**, captioned "**PRETRIAL STATEMENT**" containing the following:

**FOR PLAINTIFF**

1. A brief statement of each claim or cause of action.
2. A brief summary of plaintiff's contentions of fact in support of each claim or cause of action and the evidence to be relied upon to establish those facts.

**FOR DEFENDANT**

1. A brief statement of each defense.
2. A brief summary of defendant's contentions of fact in support of each defense and the evidence to be relied upon to establish those facts.

**FOR THE INTERVENOR(S), THIRD-PARTY  
PLAINTIFF(S), (DEFENDANTS), ETC.**

1. A brief statement of each claim, cause of action or defense.
2. A brief summary of facts in support of each claim, cause of action or defense, and the evidence to be relied upon to establish those facts.

**FOR ALL PARTIES**

1. A statement of all admitted or uncontested facts.
2. Each party's brief statement of contested facts.
3. Each party's brief statement of contested legal issues.

All of the above is to be incorporated in one document which is to be signed by all attorneys and pro se parties prior to the filing. **Failure to comply with this order may result in dismissal of the action, default, the assessment of costs and attorneys' fees or other appropriate remedies.**

ORDERED this 8<sup>TH</sup> Day of OCTOBER, 2009.

/s/ GEORGE C. PAYNE, II  
U.S. BANKRUPTCY JUDGE